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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|-----------------------|------------------|
| 09/759,723 | 01/25/2001 | Dana L. DeVoe | DeVoe-Credit Card-Fee | 2219 |

7590 02/27/2006

F. Rhett Brockington
4809-302 Alexander Valley Drive
Charlotte, NC 28270

EXAMINER

CHARLES, DEBRA F

ART UNIT

PAPER NUMBER

3624

DATE MAILED: 02/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/759,723

Applicant(s)

DEVOE ET AL.

Examiner

Debra F. Charles

Art Unit

3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Response to Arguments

1. Applicant's arguments with respect to claims 1-12 have been considered but are moot in view of the new ground(s) of rejection.
2. The 101 rejection has been reversed. The claims numbering has not been amended.
3. The examiner has added another reference to clarify the 103 rejection.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1,3, 4 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adams(5177342A), D'Agostino(6324526B1) and Daly et al.(5878141A).

Re claims 1, 3, 4 and 12 : Adams disclose a method for reducing credit card fraud consisting of the following steps:

An authorized user accesses his credit card account which has a usage line(Abstract, Fig. 1, item 30, 32, Fig. 2, col. 3, line 15-col. 4, line 25):

2. The user presents or communicates his credit card, at time of a purchase, to the merchant(col. 1, lines 15-40).
3. The merchant contacts a card processor, initiating a request that funds be transferred from the account to the merchant(col. 1, lines 40-55).
4. The card processor relays the request to an issuing bank for the credit card account(col. 4, lines 35-65).
5. The issuing bank individually processes the request through the account and through the usage line, said processing generating a first result for the account, and a second result for the usage line(col. 4, lines 35-65,col. 5, lines 1-67, col. 6, lines 40-50, the issuer bank verifies both the card account number and the credit limit).

6. The issuing bank compares the results and issues a reply to the card processor that the request is approved if both the first result and the second result are approved, or replies that the requests is declined if either result is not approved(col. 4, lines 35-65,col. 5, lines 1-67, col. 6, lines 40-50).
7. The card processor communicates the reply to the merchant(col. 4, lines 35-65).
8. The merchant completes the purchase, or notifies user that card was declined(Figs. 1,2).

Adams does not explicitly disclose where the usage line, which is solely administrated by the authorized user, is a paradigm that optionally defines approved merchants, approved times, coincident user approval and other criteria as established by the user. However, in (col. 5, lines 5-65 and col. 6, lines 40-50, Adams indicates a table of decision rules determines the authorization. Further, in col. 3 lines 35-65, D'Agostino disclose various limitations on credit card approval that basically limit the card use as applied to certain merchants among other items disclosed. Thus, it would have been obvious to one with an ordinary level of skill in the art to alter

Adams as per D'Agostino to employ various parameters defining a paradigm to get the benefit of a dynamically changing authorization standards that are defined by the user in addition to those defined by the issuer.

Both Adams and D'Agostino fail to teach user-determined rules set up to enforce certain spending limits and other restrictions. However, Daly et al. does teach preventing fraud by setting up certain user-defined restrictions that the user puts into place at the time of registration(col. 3, lines 5-40, col. 4, lines 35-60, col. 6, lines 1-25). Therefore, it would have been obvious to one of ordinary skill in the art the time the Applicant's invention was made to modify the teachings of Adams and D'Agostino to include the step of user-determined rules. The motivation to combine these references is to prevent fraud and enforce certain limits the user prefers.

3. Claim 2,5, 6,7,8,9,10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adams, D'Agostino and Daly et al. as applied to claim 1,3 and 4 above, and further in view of Brake, Jr. et al.(6865547B1) and Blagg et al.(US2002/0198806A1).

Re claims 2,5, 6,7,8,9,10 and 11: Adams and D'Agostino disclose the invention except a.) Establishing a credit card account with an offering fiduciary institution, where the account has a usage line and a line of credit,

and wherein, ultimately, the account can be accessed and viewed on a computerized screen; d.) Activating the card. However, in the Abstract, col.2, lines 20-45, Fig. 2, col. 2, lines 45-63, col. 3, lines 30-67, Brake et al. disclose opening a new credit card account and activating it. It would be obvious to one of ordinary skill in the art to modify the invention of Adams and D'Agostino based on the teachings of Brake et al. The motivation to combine these references is to reduce the number of steps required to open a credit card account.

Adams, D'Agostino and Brake et al. disclose the invention except b) Setting communication protocols and security profiles for accessing the credit card account for remote viewing of the account where said account has an activity register; h.) Amending the usage line to reflect anticipated changes in spending habits, such as a single large purchase having a window of time, or a purchase over the Internet with a new merchant; wherein a preferred means of approval is via email and usage line is accessible to the authorized user through a web site. However, in Fig. 12, 13, para. 0007-0014, Blagg et al. disclose modifying usage parameters on the credit card account via web or email. It would be obvious to one of ordinary skill in the art to modify the invention of Adams, D'Agostino and Brake et al. based on the teachings of Blagg et al. The motivation to combine these references is to automate credit card account maintenance.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Debra F. Charles whose telephone

number is (571) 272 6791. The examiner can normally be reached on 9-5 Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent A. Millin can be reached on (571) 272 6747. The fax phone number for the organization where this application or proceeding is assigned is 571-273-0315.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Debra F. Charles
Examiner
Art Unit 3624



VINCENT MILLIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3000